DAWN

OPINION

Paper promises

NEARLY three years after the much-celebrated launch of the Fund for Responding to Loss and Damage (FRLD) at COP27, not a single dollar has reached countries devastated by climate disasters. The fund, conceived as a rapid response mechanism to deliver relief within days of a catastrophe, has instead become mired in the very red tape it was meant to bypass. With pledges of about $700 million — but only $300 million actually in hand — the FRLD is proving a hollow promise for nations like Pakistan that bear the brunt of a crisis they did little to cause. As COP30 opens later this month in Belem, Pakistan plans to submit proposals worth up to $20m to the FRLD board despite deep misgivings. Climate Minister Musadik Malik confirmed that the country has yet to receive a single dollar in support, even as it reels from the losses of recurring floods, droughts, and glacial melt. Of the $300m available, half is reserved for Small Island Developing States and Least Developed Countries — leaving Pakistan and others to compete for a share of roughly $100-150m. The sums are negligible when measured against the billions in damage Pakistan suffered during the 2022 floods alone, or the continuing climate-related displacements now unfolding across its provinces and rural communities.

Civil society groups have condemned the fund's structure as "slow, bureaucratic, and unfit for purpose". Following the seventh board meeting in Manila last month, the 'Fill the Fund' campaign described the outcome as "a profound injustice". They note that the fund's multi-month project cycle "betrays its core mandate" to deliver aid within 24-48 hours of a disaster. Even the World Bank's interim hosting role has drawn criticism for reinforcing cumbersome procedures and adding layers of conditionality that obstruct direct access and transparency. This inertia reflects a deeper North-South divide. Wealthy nations insist on elaborate frameworks before disbursing funds; vulnerable countries demand quick, grant-based relief. As Pakistan's climate minister put it, the Global North continues to "shift its burden" to developing economies while lecturing them on compliance. Meanwhile, climate victims wait in despair. The hypocrisy is glaring: those most responsible for the crisis remain reluctant to finance its fallout, even after the International Court of Justice affirmed that such support is a legal obligation, not charity.

At COP30, Pakistan and other climate-vulnerable states must renew pressure for a mechanism that delivers, not deliberates. The FRLD was not meant to be another showcase of bureaucratic caution or diplomatic posturing. Unless donor nations fill the fund and unblock its flow, the world's 'rapid response' to loss and damage risks becoming yet another illusion — proof that even in the face of existential threat, justice can still drown in paperwork.

Deregulation plans

THE government's decision to deregulate the wheat and sugar sectors marks one of the most consequential market reforms in Pakistan's agriculture in recent years. For too long, the state has had tight control over farm markets through price regulations and fiscal incentives, ostensibly to protect smallholder farmers and urban consumers from price volatility, ensure food security and reduce food and raw material imports. Yet none of these aims have been meaningfully achieved and these policies have ended up serving the interests of a politically connected rural elite, powerful millers, commission agents and the agribusiness input industry. Over time, protections and subsidies have entrenched inefficiencies in the supply chain and distorted market signals, thus weakening the sector's global competitiveness. They have also slowed down farm mechanisation, discouraged investment in modern farming and deepened rural poverty and food insecurity. The distortions have deterred farmers from shifting to higher-value or export-oriented crops.

It is against this backdrop that the finance minister's declaration that the plans to deregulate the wheat and sugar sectors must be welcomed as an effort to end rent-seeking in these vital agro economy sectors. Although a formal timeline for the reforms has not been announced, the minister stated that both sectors would be fully deregulated. His assertion that "deregulation has to be end-to-end" captures what has been missing from our farm policy: the political will to let markets function freely. Successive governments have flirted with agricultural reforms — lifting some controls, tightening others, and reversing course whenever convenient, thereby perpetuating the distortions they seek to fix. While taxpayers have funded a bloated food bureaucracy, decades of state intervention through procurement, subsidies, import controls and price fixing have fostered corruption and market capture by vested interests in both the wheat and sugar sectors. Genuine deregulation could expose inefficiencies, curb rent-seeking and align domestic prices with global trends, benefiting both farmers and consumers. Yet it is this withdrawal of state patronage that makes reform politically perilous. Politicians have long used such interventions as electoral tools — raising support prices to woo farmers, granting subsidies to placate consumers and banning exports to manage public anger. The government's recent reversal of its decision to exit the wheat market shows that the real obstacle to a deregulated market will be the absence of political will.

Dengue rising

PAKISTAN is in the midst of a dengue outbreak that has once more exposed the dysfunction within its health system. From Karachi to Peshawar, thousands have been infected and dozens are believed to have died since October, even as official figures remain implausibly low. In Sindh alone, families claim more than two dozen deaths in Hyderabad, but the health department acknowledges only eight. Similar gaps between official and ground-level data have been reported in KP and Punjab, where hospitals continue to receive new patients despite the onset of cooler weather. The scale of underreporting is alarming. By the government's own admission, figures exclude patients tested or treated at private laboratories and clinics — the primary source of care for many. This omission has rendered the provincial response reactive and confused. Testing kits have been scarce due to procurement disputes, fumigation began only after public outrage, and the Sindh High Court has censured senior health officials for incompetence.

Climate conditions have worsened the crisis. Prolonged humidity and unseasonably warm temperatures have extended the breeding season for mosquitoes, while erratic rainfall and poor drainage have turned urban centres into incubators for disease. Experts believe a more virulent dengue strain may also be circulating this year, with patients taking weeks to recover. Pakistan's dengue crisis is not new. Each year we see the virus return with predictable ferocity. Yet the authorities repeat the same mistakes — data opacity, delayed coordination, and disregard for research. It is not enough to spray insecticide after public pressure or issue appeals for cleanliness. The state must create an integrated surveillance system that includes private laboratories, ensure steady supplies of testing kits, and support research into evolving viral strains. Without sustained planning and transparency, dengue may become a year-round public-health threat rather than a seasonal one.

BY FAISAL BARI

Taking back education

The curriculum has always been a thorn in the side of successive federal governments.

ONE of the issues that has been mentioned, though we do not have any details or the draft of the proposed amendments yet, is that the 27th constitutional amendment will 'take back' education to the federation again. Since we do not have any details, it is not clear what 'taking back' education means but we need to have clarity on what it should or should not mean.

Before the 18th Constitutional Amendment, education was a shared responsibility between the federation and the provinces. Will the 27th amendment take it back to sharing or will education be solely the centre's domain?

Teacher recruitment, posting, transfer, teacher training and teacher management have always been a provincial subject. As have been school management and administration. Textbook publishing has also been a provincial subject. Examination boards are and have been under provincial governments as well, although there is a federal body that ensures compatibility across boards. The only thing that was at the federation level, prior to the 18th Amendment, was the curriculum and this was devolved after the amendment's passage. Will the 27th amendment take it back to the federal level?

It clearly does not make sense for the federation to be involved in teacher recruitment, posting, transfers, teacher training or teacher management. Punjab has some 400,000 teachers. A similar number must be there for all other provinces combined. It is hard to manage teacher issues from even a provincial capital — our provinces are too large. We need to take teacher management to the local level. The principle should be that the decision-making should happen at the level where we have the information for the required decisions and where stakeholders impacted by the decision can have a say.

Similarly, school administration and management needs to be devolved to the local level too. I am pretty certain the federation has no interest in school management and administrative issues.

What it boils down to, of course, is the curriculum. This has been a thorn in the side of successive federal governments and deep state elements since independence and it continues to be one. Historically, from a technical point of view, the federal government has always had a large or complete role in curriculum setting. And though the curriculum was devolved by the 18th Amendment, for many years the provinces continued to use the pre-18th Amendment curriculum since they did not have capacity for curriculum work. When they started getting ready for curriculum work, the federal government came up with the brilliant idea of the Single National Curriculum and most of the curriculum debate was taken up with the useless and damaging discussion about the benefits of having a single curriculum across the country. Though most provinces were 'persuaded' to go along with the SNC, some were quite reluctant and resisted it.

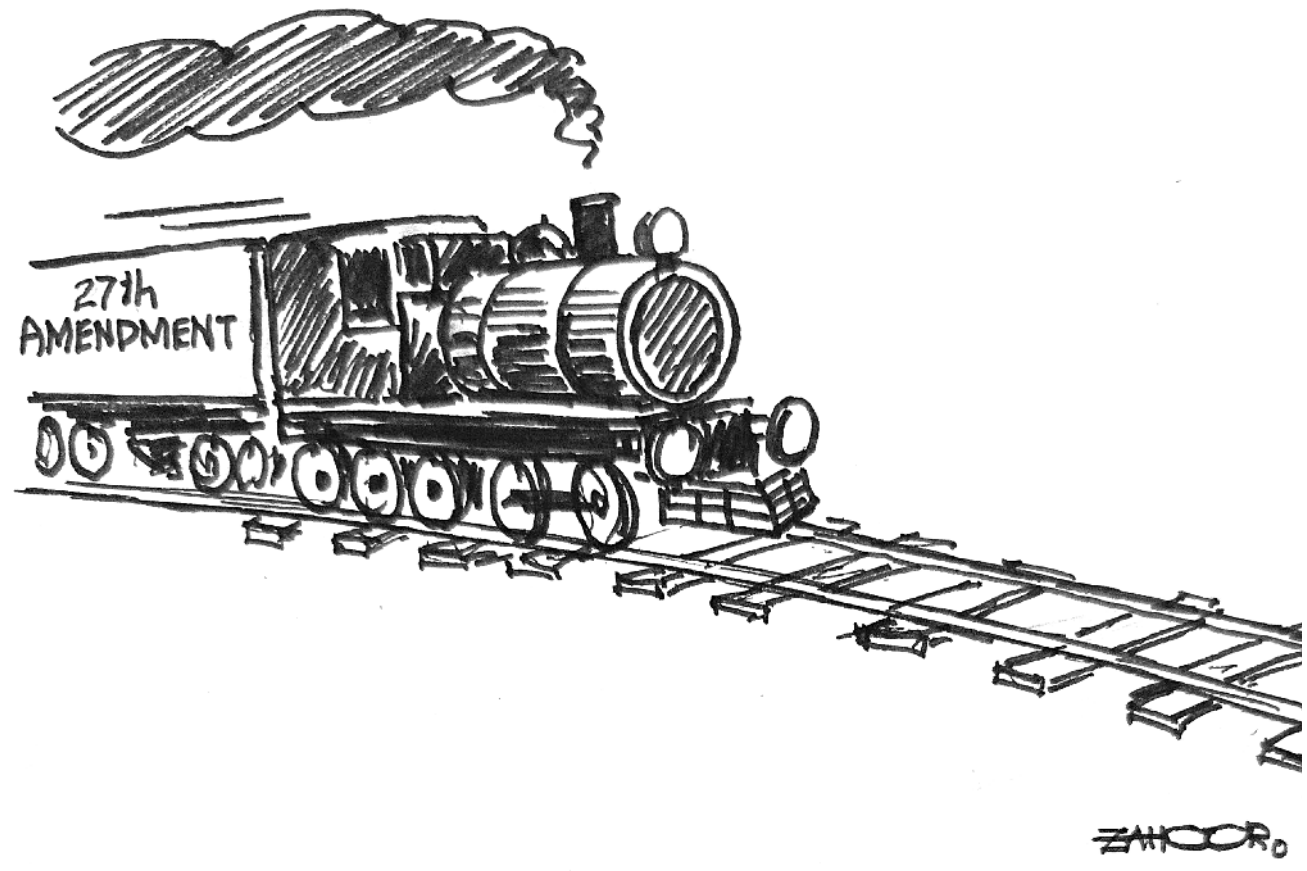
Clearly, it is not about the curriculum of science or mathematics that is the issue here. When have we heard the debate that provinces have diverged in what they teach in mathematics or science or that Punjab is teaching a different mathematics or science compared to Sindh? It is always about local culture and local languages and how they might impact the unitary identity that the federation has always wanted to impose and has imposed. The federation fears local control over the curriculum might lead to changes that allow local languages and cultures to become so dissipative that our identity as Pakistani and Muslim may get threatened or diluted.

Is the 27th amendment an attempt to ensure there is no resistance to the idea of a single curriculum? Is it the continued game of ensuring that we shape young minds to have a particular religious and Pakistani identity? Have 76 years of these attempts taught us nothing? We introduced Islamiat and Pakistan Studies as compulsory subjects in the 1970s. Have we started producing better Muslims and Pakistanis as a result? If we had, we would not keep insisting that we need to do more. We have now added Quranic studies and Islamiat topics in Urdu and English as well. But we are still not satisfied with the results.

What we are not willing to learn is that this is not the way to ensure a particular identity or address issues of personality formation. True, religion is important and has a place in the curriculum, but it need not be overwhelming and at the cost of local cultures, languages and traditions. The same is true of national identity. In fact, local languages and cultures are the strength that allows stronger national and religious identities. The federation has looked at the issue of unity from the wrong lens and continues to make the same mistake. Having five or six national languages does not mean Urdu or English lose out. Better education in local language at the start of a child's academic journey will strengthen not only his or her language skills in the regional tongue but also help in learning other languages. And it will help in developing students' cognitive abilities for other subjects and in general as well. Clearly, local cultures have to be part of our individual identity to have a full sense of belonging.

So, why the insistence on 'taking back' education? The federation, when it had education, did not do a stellar job. The provinces have not done much either but are no better or worse than when the federation had control. In principle, education should be devolved as much as possible. Will the federation be able to do any better this time? Of course not. And if the interest is only in controlling the narrative on identity, culture, religion and language, how is that helpful for education or for Pakistan in general? ■

The writer is a senior research fellow at the Institute of Development and Economic Alternatives and an associate professor of economics at Lums.



BY BANARI BALOCH

Laws and rights in transition

AS Martin Luther King once said, "An unjust law is no law at all."In recent years, Pakistan has witnessed constitutional changes and amendments whose effects have rippled across the country, particularly in Balochistan. These amendments have reshaped the structure of judicial authority and introduced laws that suppress fundamental rights under the guise of national security.

Every democratic state rests on the independence of its three pillars: legislature, executive and judiciary. But the 26th Constitutional Amendment disrupted this balance by directly interfering in the judiciary's independence, effectively turning it into another arm of the executive. This violates Article 175(3) of the Constitution, which states, "The judiciary shall be separated progressively from the executive". Before the 26th Amendment, the Judicial Commission of Pakistan was composed mostly of judges: the chief justice of Pakistan (chairman), the four senior-most Supreme Court judges, a former Supreme Court judge nominated by the CJP, the federal law minister, the attorney general, and a senior advocate of the Supreme Court.

The 26th Amendment, however, amended Article 175(A), expanding the commission to include political members — two senators, two MNAs (one each from treasury and opposition), and a representative nominated by the Speaker. It also allowed the chief justice to be appointed from among the top three judges through a parliamentary committee.

These changes forced the judiciary to share its core function of appointing judges with political representatives, eroding its independence. The amendment also curtailed the Supreme Court's suo motu powers, while the new constitutional bench has since issued controversial rulings — permitting military trials of civilians, upholding judicial transfers, and denying PTI reserved seats.

Last month, the Supreme Court's constitutional bench heard petitions challenging the 26th Amendment. The matter is now fixed for hearing on Nov 10, when the court will decide whether the same bench will continue or a full court should be constituted to examine its legality.

While the legality of the 26th Amendment remains under challenge, the government is preparing to table the 27th constitutional amendment bill in the Senate. The proposed amendment seeks to create a federal constitutional court, effectively curtailing the Supreme Court's powers and striking at the spirit of the 18th Amendment. If passed, there may be no constitutional bench left by the time the case resumes.

Ironically, the very bench constituted under the 26th Amendment is now tasked with examining its own legality. The judges had a chance to exercise *damage control* by referring the matter to a full court of judges appointed before the 26th Amendment — an act that could have restored public confidence. That opportunity was not taken. And now, before any formal order has been issued, the 27th amendment looms, threatening to fundamentally alter the judicial structure by introducing a parallel court system.

> Laws meant to uphold justice are being reshaped into instruments of control.

The erosion of judicial independence and the violation of fundamental rights did not stop there. This year, the Balochistan Assembly passed the Anti-Terrorism (Amendment) Act 2025, granting sweeping powers to law enforcement, including detention of individuals for up to 90 days without informing families or granting a fair trial. This directly violates Article 10, which requires a detainee to be produced before a court within 24 hours.

The amendment raises a constitutional issue: the Anti-Terrorism Act, 1997 is a federal law — can a province amend it? Under Article 143, federal law prevails in case of conflict. The federal Act mandates that detainees be presented within 24 hours, while the provincial amendment allows 90-day detention, clearly violating constitutional protections. Similar amendments have now been introduced at the federal level, further expanding the state's power to curtail individual liberty.

These measures also undermine the principle of the presumption of innocence. Across the world, individuals are presumed innocent until proven guilty. But under these amendments, the people of Balochistan are treated as guilty by default, forced to prove innocence during detention.

Both the 26th and proposed 27th amendmentsand the Anti-Terrorism (Amendment) Act in Balochistan are unjust and unconstitutional. Both seek to institutionalise executive control by reducing the Supreme Court's role as the final arbiter of constitutional interpretation. The Balochistan Bar Council, human rights groups, and international organisations such as Amnesty International and the UN have warned that these measures violate covenants like the ICCPR and undermine fundamental freedoms.

Recently, another anti-terrorism amendment act in Balochistan has been debated, though its text is yet to be published. From reported provisions, it appears even more draconian: a Grade-21 officer will have the power to choose judges for trials from names sent by the chief justice of the Balochistan High Court — giving final authority over judicial assignments to the executive.

It also introduces secrecy: judges, prosecutors, and lawyers will operate under codes rather than in open court. How can trials be considered fair when justice is hidden from public view? Such measures undermine the principle that 'justice must not only be done but must also be seen to be done'.

Together, the 26th and proposed 27th amendments and the provincial anti-terrorism amendments reveal a disturbing trend — weakening judicial authority and eroding constitutional protections. Laws meant to uphold justice are being reshaped into instruments of control, suppressing dissent and undermining democracy.

So where does this leave us? Are these laws meant to strengthen democracy, or are they shaping a system that bends under its own weight? Can a society call itself free when its courts answer to politics and its citizens can be silenced without trial?

Perhaps the deeper question is not about law at all, but about power: who truly holds it — the people, the Parliament, or the silence written into law? ■

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